



**A JOINT EFFORT BETWEEN
BOULEVARD OAKS CIVIC ASSOCIATION
AND SOUTHAMPTON CIVIC CLUB TO
PRESERVE HOUSTON NEIGHBORHOODS**

March 18, 2008

Dear Neighbors:

By now all of you have read the Chronicle's article by Mike Snyder and may believe that the Ashby High Rise development will soon be going forward as planned.

Nothing could be further from the truth.

We also we want to brief each of you on what was not in Mike Snyder's article and to update you on material developments that have occurred regarding the Ashby Highrise since we met at Poe at the end of January.

Since our January meeting at Poe, there have been developments from the City on enforcement of an existing curb cut ordinance, the presentation of three alternative projects on the 1717 Bissonnet site by the developers, and developer-requested meetings with select groups of residents. Yesterday the developers initiated contact with Mike Snyder of the Chronicle, which resulted in today's article. Each of these major developments will be dealt with individually.

Ordinance Enforcement

The City has delayed the proposed new high-density residential ordinance in favor of using Section 40-86, the so-called "curb cut" ordinance. Section 40-86 has existed for years and grants broad discretionary power to the City Engineer to approve curb cuts for new projects. The Mayor's office has announced criteria for the expanded application of Section 40-86 and the Ashby High Rise, as originally proposed, would clearly fit within the new criteria.

It is completely clear from our discussions with the City that the developers cannot build a project using the existing curb cuts to circumvent the discretion of the City Engineer for a new project located at 1717 Bissonnet. What remains in question is how the City will use this discretion to affect the project.

We have been assured that there is no change in the Mayor's commitment that this project will not be built in its proposed form. Should the developers submit their existing plans for a 23-story building, with its proposed commercial and retail components, to the City we believe that Section 40-86 will be applied to deny required permits.

However, the City has been very clear that their efforts will not deal with building height, but will deal with the project's impact on City infrastructure, such as traffic.

Presentation of Alternative Projects

On March 11, 2008 Matthew Morgan and Kevin Kirton presented three alternative plans to Ron Kahane and two other Task Force representatives. Messrs. Morgan and Kirton were invited to present these alternatives to the entire BOCA and Southampton neighborhoods in a single meeting where all residents could attend. They declined the invitation. They also refused to leave any plans or project elevations that could be shared with the neighborhood.

By letter dated March 14, 2008, the developers have initiated a series of meeting with small groups of neighbors who live immediately adjacent to Maryland Manor. You may be in one of those small groups. These meetings will be discussed below.

Developers' Alternative Plans to Original 23-story High Rise

Please note that the pursuit of the original proposed 23-story plan as mentioned in Mike Snyder's article was not part of their latest presentation.

Since the Task Force was not allowed to retain materials presented, these descriptions are from notes taken during the March 11, 2008 meeting and minor discrepancies may exist.

Alternative 1: 19 Stories.

- 1 Would use the existing proposed 23-story building footprint but would eliminate a single floor of garage space and two floors of residences. One floor of parking would be below grade.
- 2 Retail: approximately 9000 square feet. Office: approximately 6500 square feet
- 3 Rental/condo Status: unknown. Projected 195 rental or 110 condo units; they will not commit to number of units as those will be set by marketing efforts and buyer interest.

Alternative 2: Four Over Two Box, Minimal Set-Backs.

(Similar to Calais project next to Brennan's downtown and Trammel Crow project on old Electrotex site on Richmond near Kirby.)

- 1 160 rental units in four story structure built over a two story parking garage, half floor below grade.
- 2 Average unit size 950 square feet,
- 3 Setbacks: 15 feet off back property line of Wroxton Court, 10 feet from Bissonnet.
- 4 295 parking places in open garage.
- 5 Retail: approximately 9000 square foot retail space as for Ouisie's style restaurant. No office space.
- 6 The developers' receive a "financial contribution" of \$2.65 million from the neighborhoods or the City).

Please note that these two alternatives are the same ones rejected on February 6, 2008 in a letter to the developers from Ron Kahanek, a copy of which has been sent to all residents and is posted on the StopAshbyHighRise.org website.

Alternative 3: 22 Stories.

- 1 130 units residential in a tower, four townhomes along Ashby with garage access internal to the site. Total building height 22 stories above grade with two stories below grade.
- 2 Tower has single elevator core, rather than two elevator cores in Alternative 1.
- 3 Retail: Approximately 9000 square feet. Office: Approximately 6200 square feet.
- 4 Six story garage with two floors below grade. The podium of the parking garage would be approximately 50 feet tall.
- 5 Setbacks increased to 38 feet from the east property line with Southampton Estates and 26 feet from the back property line of Wroxton Court..
- 6 4971 square foot green space at the corner of Ashby and Bissonnet and a six foot tall landscape buffer along Bissonnet.
- 7 No right turn lane carved out on Ashby.

In the meeting, the developers openly discussed their desire for City of Houston 'financial assistance' to them in connection with these alternatives in the form of rebated impact fees, reimbursement for installation of excess sewer capacity, potential purchase/condemnation of the 4791 square foot "green space," the sale of the 10 foot wide easement along Bissonnet, landscaping, and, of course, the \$2.65 million payment associated with Alternative 2.

These alternative plans have been developed without input from the neighborhood, despite multiple requests that the developers consider their neighbors' comments.

In the opinion of the Task Force, none of the developers' alternatives is acceptable. None reduces height, density, or traffic to an extent that preserves our property values and neighborhood quality of life.

Below we will summarize the proposed developer meetings and our immediate plan of action.

The Developer Meetings with Selected Residents

Contrary to the Task Force recommendation for a presentation to the entire neighborhood, the developers have scheduled meetings with small groups of neighbors who live immediately adjacent to Maryland Manor. By letter dated March 14, 2008 the developers have scheduled three meetings: one each for the 1700 blocks of Albans and Wroxton, and one for the Southampton Estates town homes. The invitations were addressed to the male members (only) of most of these households and were delivered on the first day of spring break. The meetings are set for the Monday, Tuesday and Wednesday immediately after spring vacation ends (March 24-26). They are scheduled to take place at 6:00 p.m. in the downtown office of their public relations firm, Vollmer & Associates, in a building characterized by difficult access to parking.

Many of the invited neighbors have interpreted these meetings by the developers to be disingenuous and a year too late in coming, and are willing to express this sentiment in declining the invitation. Others feel that failure to meet with the developers is a missed opportunity to express their strong opposition to their plans. The decision to attend these meetings should be made by each resident.

If you are invited and elect not to attend, even so please let the developers know how you feel about this project. We do not want to give the impression that low attendance at these meetings indicates waning opposition to this project.

We have scheduled a meeting for the invitees this Thursday evening, March 20, to brief those persons on the developments in this letter and to answer any questions they may have in advance of the meetings. Briefing materials and draft response letters will be distributed to invitees at that meeting.

We will communicate the results of these meetings with the entire neighborhood.

WHAT IS THE TASK FORCE DOING NOW?

1. We are preparing materials to brief the invitees to the select group meetings. All of these materials will be distributed to the neighborhood along with updates on the content of each presentation after these meetings are held.

2. We continue to search for an acceptable compromise use for the property and are working with potential buyers and with City officials who are engaged in active discussions with these developers.

3. We continue to actively plan for neighborhood opposition independent of the outcome of the City-wide regulatory process. We maintain our belief that the developers have a misguided project in terms of both the economic viability as well as the impact to the neighborhood and infrastructure. The planned opposition includes a number of litigation opportunities and will continue to emphasize these points

AFTER ALL OF THIS TIME ARE WE BETTER OR WORSE OFF?

Without a doubt, we are better off. The City's commitment to respond to this project in a meaningful way has not changed, only the tool it chooses to employ is different. The current disarray in the mortgage market and overall national economic downturn have not improved the project's ability to get financing and the developers have made no further progress on permitting this project, much less beginning construction. We have had more time to plan our opposition efforts, which we will use if this matter does not resolve itself with the City's assistance.

WHAT CAN I DO NOW?

- 1 Remain vigilant. We have been assured that we will be notified of developments by the City on this project and that there will be no more "ambushes". It is a long way from submitting permits to receiving final approval of permits and then beginning construction.
- 2 Get a yard sign and encourage your neighbors to do the same. Lenders do their own due diligence trips to sites they finance. Our overwhelming display of opposition will have great effect.
- 3 If invited to these meetings, consider attending and voicing your opposition. If not attending, respond in writing indicating your opposition.
- 4 Stay involved. Our presence at Council meetings and in other public forums is our biggest weapon.
- 5 Make a financial contribution to either BOCA or Southampton Civic Club, Inc. noting that it is earmarked for the Ashby High Rise Opposition.

This fight is a marathon, not a sprint. Time is our friend. Let's stay the course and protect what makes our neighborhoods so special.

Sincerely,

Ron Kahanek
President- Elect, BOCA
Member, Stop Ashby Highrise Task Force

Erik Eriksson
President, Southampton Civic Club, Inc.
Member, Stop Ashby Highrise Task Force